

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

Subfile Nos. CHRB-004-0035  
CHRB-004-0036

**MOTION TO VACATE CONSENT ORDERS**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed May 13, 2005 (Docket No. 7857) in connection with defendant Esteban D. Martinez and subfile CHRB-004-0035, and the Consent Order filed August 12, 2005 (Docket No. 7983) in connection with defendant Margaret M. Valerio and subfile CHRB-004-0036, and as grounds therefore Plaintiff states as follows:

1. Subfiles CHRB-004-0035, CHRB-004-0036 and CHRB-004-0037 involve a group of family members and the division of family lands among them. Subfile orders were entered in subfiles CHRB-004-0035 (Esteban D. Martinez) and CHRB-004-0036 (Margaret M. Valerio) based upon mapping provided by the Rio Arriba County Assessor. After these subfile orders were entered, Raymond L. Martinez in subfile CHRB-004-0037 contacted the Office of the State Engineer and provided a recent plat of survey showing that the boundaries between these tracts had been mapped incorrectly by the County Assessor. The mapping for subfile CHRB-004-0037 has been corrected, and a revised Consent Order has been entered in that subfile (Docket No. 9000). The Consent Orders

for subfiles CHRB-004-0035 and CHRB-004-0036 should be vacated.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed May 13, 2005 (Docket No. 7857) in connection with defendant Esteban D. Martinez and subfile CHRB-004-0035, and the Consent Order filed August 12, 2005 (Docket No. 7983) in connection with defendant Margaret M. Varlerio and subfile CHRB-004-0036,

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
(505) 867-2299 facsimile

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of July, 2008 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Margaret M. Valerio  
208 W 400 N  
P.O. Box 46  
Tooele, UT 84074

Esteban D. Martinez  
1022 W 4<sup>th</sup> St  
Salt Lake City, 84118

Raymond L. Martinez  
Rose Martinez  
P.O. Box 301  
Bernalillo, NM 87004

/s/ Ed Newville  
Edward G. Newville